

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Kenneth L. Bowman

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE FOR THE TEMPORARY WAIVER OF BUILDING PERMIT FEES ON PERMITS FOR THE REPAIR AND RECONSTRUCTION OF BUILDINGS DAMAGED OR DESTROYED BY HURRICANE ISABEL, AND TEMPORARILY WAIVING THE REQUIREMENT FOR A \$2,500.00 SURETY FOR THE PLACEMENT OF A TEMPORARY DWELLING ON PRIVATE PROPERTY PURSUANT TO YORK COUNTY CODE § 24.1-445 (e) IF REQUIRED FOR THE RECONSTRUCTION OR REPAIR OF A RESIDENCE DAMAGED OR DESTROYED BY HURRICANE ISABEL, AND ALLOWING THE USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS NOTWITHSTANDING THE PROVISIONS OF COUNTY CODE § 24.1-271.

WHEREAS, on September 18, 2003, Hurricane Isabel caused substantial damage to property in York County, including in numerous instances the damage to or destruction of buildings and structures, including but not limited to residential structures; and

WHEREAS, on October 21, 2004, as a means of assisting the citizens of York County in repairing damage caused by Hurricane Isabel, the County Board of Supervisors adopted an emergency ordinance (Ordinance No. 03-39) pursuant to Code of Virginia § 15.2-1427 (F), waiving in certain instances the imposition of building permit fees as required by County code § 7.1-8 and the surety required by the placement of a temporary home on property while constructing a permanent residence as required by County code § 24.1-445 (e), and allowing the use of recreational vehicles as temporary dwellings without the restrictions imposed by County code § 24.1-271 (h); and

WHEREAS, the Board desired to readopt the ordinance to be effective for a further period of time.

NOW, THEREFORE, BE IT ORDAINED, by the York County Board of Supervisors this the ____ day of _____, 2004, that until September 18, 2005, the requirement for the payment of a building permit fee as is otherwise required by County code § 7.1-8, and the requirement to post a surety in the amount of \$2,500.00 in connection with the use of a temporary dwelling for residential occupancy during construction or repair of a permanent residence, shall be waived provided that the following conditions are met:

1. The building permit, or the use of the temporary dwelling, is for the purpose of reconstructing or repairing a building or other structure damaged or destroyed by floodwaters, high winds, or other circumstances resulting directly from Hurricane Isabel.
2. With respect to administrative permits issued pursuant to County code § 24.1-445 for the use of temporary dwellings, a building permit for the construction or repair of the permanent residence shall have been obtained prior to the placement or erection of the temporary dwelling on the property.
3. A temporary dwelling placed on property pursuant to County code § 24.1-445 must be removed prior to the issuance of the permanent certificate of occupancy for the reconstructed or repaired residence, provided, however, that a temporary certificate of occupancy, the term of which shall not exceed thirty (30) days, may be issued to allow the transfer of furnishings and possessions from the temporary dwelling to the permanent residence prior to the removal of the temporary dwelling from the site.
4. Administrative permits issued pursuant to County code § 24.1-445 may be issued to allow recreational vehicles to be utilized as a temporary dwelling and to be placed on the subject property notwithstanding the provisions of County code § 24.1-271 (h) which otherwise restricts the placement of recreational vehicles on a parcel.
5. Except to the extent modified herein, the provisions of York County code §§ 7.1-8, 24.1-271 (h), and 24.1-445, shall continue in full force and effect.
6. This ordinance shall be deemed to have become effective as of September 18, 2003, and any actions taken pursuant to the adoption of this emergency ordinance by the County Administrator or his designees in waiving the requirements for building permit fees or sureties for the use of temporary dwellings are hereby ratified.